IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

Bail Appl..No. 4052 of 2007()

Crime no.367/07 of Mathilakam police station
.....

PETITIONERS/APPREHENDING TO BE MADE AS AN ACCUSED

SIJESH, S/O. ANANDAN,
VALAVATH HOUSE, KOOLIMATTOM - POKKALAYI,
THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS: STATE OF KERALA/COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, MATHILAKAM
POLICE STATION, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4052 of 2007

Dated this the 5th day of July 2007

O R D E R

Application for anticipatory bail. The petitioner apprehends arrest in crime No.367/2007 of Mathilakam police station registered inter alia under Sections 332 and 308 read with 149 I.P.C. According to the petitioner, he is innocent. He is not, in any way, connected with the crime. The police have been arresting some persons. The petitioner apprehends that he may also be arrested without any bona fides. The learned Public Prosecutor on instructions submits that at the moment and with the available inputs, the police have no intention to arrest the petitioner. There is no clue so far that the petitioner is involved in the commission of the crime. The investigation is in progress. The possibility of such arrest later cannot be ruled out, submits the learned Public Prosecutor.

2. Some of the accused have already been arrested and the prosecution has received sufficient time by now to conduct the investigation. The petitioner's apprehension appears to me

to be real. The non-specific stand taken by the police can only further aggravate his apprehension. I am, in these circumstances, satisfied that subject to appropriate conditions. Anticipatory bail can be granted to the petitioner.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C.

i) If the petitioner is, on a later date, found to be necessary for arrest and the police arrests the petitioner, he shall be released from custody on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties undertaking to appear before the learned Magistrate and seek regular bail within a further period of one month.

ii) Within the said period of one month after his arrest and release, the petitioner can appear before the learned Magistrate and seek regular bail. The learned Magistrate on the basis of the materials which are placed before him then, can consider the application for regular bail and pass appropriate orders.

Iii) If the petitioner does not appear before the learned Magistrate within one month as directed in clause (i), the police

shall thereafter be at liberty to arrest the petitioner again and deal with him in accordance with law as if the same were a fresh arrest.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007